

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

A. D. ARMSTRONG,

Petitioner,

: Case No. 3:18-cv-397

- vs -

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

Warden,
Mansfield Correctional Institution,

:

Respondent.

ORDER TO PROCEED WITH TRANSFER

On December 10, 2019, the Magistrate Judge determined that the Complaint in this case constituted a second or successive application for habeas corpus relief and ordered it transferred to the Sixth Circuit for that court's determination under 28 U.S.C. § 2244(b) of whether Petitioner would be permitted to proceed (ECF No. 5). Effectiveness of that Order was postponed to allow Petitioner to obtain review by an Article III judge.

The time within which Petitioner might have sought such review expired December 24, 2018, and no objections have been filed. Accordingly, the Clerk is ORDERED to proceed forthwith to transfer this case to the Sixth Circuit.

February 8, 2019.

s/ *Michael R. Merz*
United States Magistrate Judge

